

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 2005-10667GAO

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JUDITH FESTA and \*  
ALFRED FESTA \*  
v. \*  
\*  
SIMON PROPERTY GROUP, INC. \*  
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**MOTION TO STRIKE AND SUBSTITUTE**

Now comes the plaintiffs in the above referenced matter and respectfully moves this Honorable Court to strike the name of the defendant properly referenced as "Simon Property Group, Inc." and substitute therefore "Simon Property Group, LP." As grounds therefore plaintiffs state that it appears that they have misnamed the defendant and the purpose of the enclosed pleading is to properly name the defendant as Simon Property Group, LP.

Dated: November 1, 2005

The Plaintiffs, Judith Festa and  
Alfred Festa,  
By their attorney,  
Joseph G. Abromovitz, P.C.

s/Joseph G. Abromovitz

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**CERTIFICATE OF SERVICE**

I, Joseph G. Abromovitz, hereby certify that on the 1<sup>st</sup> day of November, 2005, I served a copy of this document by first class mail, postage prepaid to the following counsel of record:

Sean J. Milano, Esquire  
Morrison Mahoney, LLP  
250 Summer Street  
Boston, MA 02210

s/Joseph G. Abromovitz

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Joseph G. Abromovitz